

By: Ashby

H.B. No. 533

A BILL TO BE ENTITLED

AN ACT

relating to the impoundment of a motor vehicle operated without financial responsibility and involved in an accident or traffic violation; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter I, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER I. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE FOR MULTIPLE OFFENSES

SECTION 2. Chapter 601, Transportation Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE AFTER ACCIDENT OR TRAFFIC VIOLATION

Sec. 601.271. DEFINITIONS. In this subchapter:

(1) "Owner of a vehicle" and "vehicle storage facility" have the meanings assigned by Section 2303.002, Occupations Code.

(2) "Towing company" has the meaning assigned by Section 2308.002, Occupations Code.

Sec. 601.272. IMPOUNDMENT OF MOTOR VEHICLE. A peace officer may impound or authorize a towing company to remove and a vehicle storage facility to impound the motor vehicle of a person who the peace officer determines:

1 (1) is involved in a motor vehicle accident or is
2 stopped for an alleged violation of a law that applies to the
3 operation of a motor vehicle on a roadway; and

4 (2) operated the motor vehicle in violation of Section
5 601.051 at the time of the accident or alleged violation described
6 by Subdivision (1).

7 Sec. 601.273. RELEASE OF IMPOUNDED MOTOR VEHICLE. (a) A
8 peace officer who impounds or authorizes the impoundment of a motor
9 vehicle under Section 601.272 shall instruct the operator of the
10 vehicle as to how the owner or operator of the vehicle may recover
11 the motor vehicle from the law enforcement agency that employs the
12 peace officer or the authorized vehicle storage facility.

13 (b) The law enforcement agency or authorized vehicle
14 storage facility that impounds a motor vehicle under Section
15 601.272 may release the vehicle to the owner or operator of the
16 vehicle only if the owner or operator:

17 (1) provides to the law enforcement agency or
18 authorized vehicle storage facility evidence consistent with:

19 (A) Section 601.052, showing that on the date the
20 vehicle was impounded, the motor vehicle was exempt from the
21 requirements of Section 601.051;

22 (B) Section 601.053, showing that on that date
23 the vehicle was in compliance with Section 601.051; or

24 (C) Section 601.053, showing that financial
25 responsibility for the vehicle has been obtained and is valid;

26 (2) provides to the law enforcement agency or
27 authorized vehicle storage facility a driver's license issued to

1 the owner or operator of the vehicle; and

2 (3) pays all fees imposed as authorized under Chapters
3 2303 and 2308, Occupations Code.

4 (c) The law enforcement agency or authorized vehicle
5 storage facility that impounds a motor vehicle under Section
6 601.272 may release the vehicle to a person who is shown as a
7 lienholder on the vehicle's certificate of title only if the
8 person:

9 (1) provides to the law enforcement agency or
10 authorized vehicle storage facility a statement from an officer of
11 the lienholder establishing that the obligation secured by the
12 vehicle is in default; and

13 (2) pays all associated fees imposed as authorized
14 under Chapters 2303 and 2308, Occupations Code.

15 (d) The law enforcement agency or authorized vehicle
16 storage facility that impounds a motor vehicle under Section
17 601.272 may release the vehicle if, while the vehicle is impounded:

18 (1) certificate of title to the vehicle is transferred
19 by:

20 (A) foreclosure;

21 (B) sale on execution;

22 (C) cancellation of a conditional sales
23 contract; or

24 (D) judicial order; and

25 (2) all fees imposed as authorized under Chapters 2303
26 and 2308, Occupations Code, are paid.

27 Sec. 601.274. AUTHORITY OF TEXAS COMMISSION OF LICENSING

1 AND REGULATION. The Texas Commission of Licensing and Regulation
2 may adopt rules necessary to implement this subchapter.

3 Sec. 601.275. PENALTIES CUMULATIVE. Impoundment of a motor
4 vehicle under this subchapter is in addition to any other
5 punishment imposed under this chapter.

6 SECTION 3. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect on the date the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 4. This Act takes effect September 1, 2015.